

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Richard D. Cross
Kimberly M. Cross

Case No.: 16-22957
Judge: ABA
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- | | | |
|------------------------------------------------------|------------------------------------------------------|------------------------------------------------------|
| <input checked="" type="checkbox"/> Original | <input type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input checked="" type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: 01/27/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 288.00 per month to the Chapter 13 Trustee, starting on 02/01/2017 for approximately 31 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
D'Arcy Johnson Day, P.C.	Counsel fee	\$2,000.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Wells Fargo Dealer Services	2012 Dodge Caliber	\$12,136.85	\$6,500.00		\$6,500.00	5%	\$7,359.60

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Midland Mortgage	7376 Woodbury Rd., Mays Landing, NJ 08330	\$115,000.00	\$30,734.17

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☐ Not less than _____ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid
US Department of Education	Non-dischargeable student loans	To be paid outside the plan	Contractual amount

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Real Time Resolutions PO Box 731940 Dallas, TX 75373	7376 Woodbury Rd. Mays Landing, NJ 08330	Second Mortgage	\$29,922.15	\$115,000.00	0	115,812.02	\$29,922.15

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Real Time Resolutions PO Box 731940 Dallas, TX 75373	7376 Woodbury Rd. Mays Landing, NJ 08330	\$29,922.15

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Priority claims
- 3) Unsecured claims
- 4) _____

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 06/17/2016.

Explain below **why** the plan is being modified:

Debtors have been denied a loan modification.

Explain below **how** the plan is being modified:

Debtors will now surrender Real Property located at 7376 Woodbury Road, Mays Landing, NJ.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 01/27/2017

/s/ Bruno Bellucci, III
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 01/27/2017

/s/ Richard D. Cross
Debtor

Date: 01/27/2017

/s/ Kimberly M. Cross
Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Richard D. Cross
 Kimberly M. Cross
 Debtors

Case No. 16-22957-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 54

Date Rcvd: Jan 30, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 01, 2017.

db/jdb +Richard D. Cross, Kimberly M. Cross, 7376 Woodbury Rd., Mays Landing, NJ 08330-3961
 aty +KML Law Group, PC, 216 Haddon Avenue, Ste 406, Collingswood, NJ 08108-2812
 cr +Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer S, 1451 Thomas Langston Rd.,
 Winterville, NC 28590-8872
 516273482 +APG Cardiology Group, PO Box 786061, Philadelphia, PA 19178-6061
 516273483 +APG Hospitalists, PO Box 786061, Philadelphia, PA 19178-6061
 516273485 +ARMC Faculty Practice - Pathology, PO Box 8500-5287, Philadelphia, PA 19178-0001
 516273480 +Amcol Systems, PO Box 21625, Columbia, SC 29221-1625
 516273481 +Apex Asset Management, LLC, 2501 Oregon Pike, Ste. 102, Lancaster, PA 17601-4890
 516273484 +Arcadia, PO Box 6768, Reading, PA 19610-0768
 516273487 +Atlantic Emergency Assoc., PO Box 88087, Chicago, IL 60680-1087
 516273488 +Atlantic Heart Rhythm Center, 415 Chris Gaupp Dr Ste C, Absecon, NJ 08205-4440
 516273489 +Atlantic Medical Imaging, LLC, PO Box 1564, Indianapolis, IN 46206-1564
 516273490 +Atlantic Pulmonary & Critical Care Assoc, 741 South Second Ave., Ste. A,
 Absecon, NJ 08205-9542
 516273491 +Atlantic Radiologists, 65 W Jimmie Leeds Rd., Absecon, NJ 08205-9403
 516273492 +Atlanticare Regional Medical Center, PO Box 786361, Philadelphia, PA 19178-6361
 516273493 +Bank of America, 100 North Tryon St., Charlotte, NC 28255-0001
 516273494 +Community Surgical Supply, PO Box 4686, Toms River, NJ 08754-4686
 516273495 +Complete Collection Services, PO Box 824336, Philadelphia, PA 19182-4336
 516273496 +Gatestone & Co. International, Inc., 1000 N. West St., Ste. 1200, Wilmington, DE 19801-1058
 516273497 +Good Shepherd Penn Partners, 1800 Lombard St., Philadelphia, PA 19146-1414
 516273499 +Jersey Shore Gastroenterology Assoc., 408 Bethel Rd. Ste. E, Somers Point, NJ 08244-2191
 516273500 +KML Law Group, P.C., 216 Haddon Ave., Ste. 406, Collingswood, NJ 08108-2812
 516273501 +LabCorp, PO Box 2240, Burlington, NC 27216-2240
 516273503 +Medical Records Online, Inc., PO Box 61507, King of Prussia, PA 19406-0907
 516432333 +MidFirst Bank, 999 Northwest Grand Boulevard, Oklahoma City, OK 73118-6051
 516273504 +Midland Mortgage, PO Box 26648, Oklahoma City, OK 73126-0648
 516273505 +Nazha Cancer Center, 411 New Rd., Northfield, NJ 08225-1648
 516273506 +Patient Financial Services, 30 Washington Ave., Ste. C-6, Haddonfield, NJ 08033-3341
 516273507 +Penn Medicine, PO Box 824406, Philadelphia, PA 19182-4406
 516273508 +PennCredit, PO Box 988, Harrisburg, PA 17108-0988
 516273509 +Pomona Heating & Cooling, LLC, PO Box 645, Pomona, NJ 08240-0645
 516273512 +Rickart Collection Systems, Inc., PO Box 7242, North Brunswick, NJ 08902-7242
 516273513 +Rowan Medicine, Faculty Practice Plan, PO Box 635, Bellmawr, NJ 08099-0635
 516273514 +Rowan University, PO Box 635, Bellmawr, NJ 08099-0635
 516273515 +Schlee & Stillman, LLC, 50 Tower Office Park, Woburn, MA 01801-2113
 516273516 +Southern Jersey Family Medical Center, 1 North White Horse Pike, Hammonton, NJ 08037-1875
 516390237 U.S. Department of Education, C/O FedLoan Servicing, P.O. Box 69184,
 Harrisburg, PA 17106-9184
 516273518 +US Department of Education, PO Box 69184, Harrisburg, PA 17106-9184
 516273517 +United Telemanagement Corp., PO Box 145465, Cincinnati, OH 45250-5465
 516273519 +Verizon Wireless, 140 West St., New York, NY 10007-2123
 516318314 Wells Fargo Bank N.A., d/b/a Wells Fargo Dealer Services, PO Box 19657,
 Irvine, CA 92623-9657
 516273520 +Wells Fargo Dealer Services, PO Box 25341, Santa Ana, CA 92799-5341
 516273521 +Williams Family Medicine, PC, 415 S. Chris Gaupp Dr., Ste. C-2, Absecon, NJ 08205-4440

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 31 2017 01:43:16 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jan 31 2017 01:43:11 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235

516405772 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 31 2017 01:49:02
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838

516488975 E-mail/PDF: resurgentbknofications@resurgent.com Jan 31 2017 01:41:00
 Ashley Funding Services, LLC its successors and, assigns as assignee of Laboratory,
 Corporation of America Holdings, Resurgent Capital Services, PO Box 10587,
 Greenville, SC 29603-0587

516273486 +E-mail/Text: bankruptcy@pepcoholdings.com Jan 31 2017 01:42:53 Atlantic City ELeetric,
 PO Box 13610, Philadelphia, PA 19101-3610

516283641 +E-mail/Text: bankruptcy@pepcoholdings.com Jan 31 2017 01:42:53
 Atlantic City Electric Company, 5 Collins Drive, Suite 2133, Mailstop 84CP42,
 Carneys Point, NJ 08069-3600

516273498 +E-mail/Text: bankruptcy@icssystem.com Jan 31 2017 01:43:54 IC Systems, Inc., PO Box 64444,
 Saint Paul, MN 55164-0444
 516273502 +E-mail/Text: bknotices@mbandw.com Jan 31 2017 01:43:38 McCarthy, Burgess & Wolfe,
 26000 Cannon Rd., Bedford, OH 44146-1807

516273510 +E-mail/Text: bkdepartment@rtresolutions.com Jan 31 2017 01:43:27 Real Time Resolutions,
 PO Box 731940, Dallas, TX 75373-1940

516493641 +E-mail/Text: bkdepartment@rtresolutions.com Jan 31 2017 01:43:27 Real Time Resolutions, Inc.,
 1349 Empire Central Dr, Suite 150, Dallas, TX 75247-4029

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 54

Date Rcvd: Jan 30, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516492462 +E-mail/Text: bkdepartment@rtresolutions.com Jan 31 2017 01:43:27
Real Time Resolutions, Inc., PO Box 35888, Dallas, Texas 75235-0888

TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

lm* Midland Mortgage, PO Box 26648, Oklahoma City, OK 73126-0648
516273511 ##+Richard J. Boudreau & Associates, LLC, 6 Manor Parkway, Salem, NH 03079-2841

TOTALS: 0, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 01, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 27, 2017 at the address(es) listed below:

Bruno Bellucci, III on behalf of Debtor Richard D. Cross jkearney@belluccilaw.net,
bbellucci@belluccilaw.net, jrosati@belluccilaw.net, kpalermo@belluccilaw.net,
ddillhoff@belluccilaw.net

Bruno Bellucci, III on behalf of Joint Debtor Kimberly M. Cross jkearney@belluccilaw.net,
bbellucci@belluccilaw.net, jrosati@belluccilaw.net, kpalermo@belluccilaw.net,
ddillhoff@belluccilaw.net

Denise E. Carlon on behalf of Creditor MidFirst Bank dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com

Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com

Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com

John R. Morton, Jr. on behalf of Creditor Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer
Services mortonlaw.bcraig@verizon.net, donnal@mortoncraig.com, mhazlett@mortoncraig.com

Warren S. Jones, Jr. on behalf of Creditor Real Time Resolutions, Inc. wsjonesesq@verizon.net,
bestcasews@gmail.com

TOTAL: 7